

ORDINANCE NO. 2180

**ORDINANCE TO AMENDING CHAPTER 3 (ZONING), ARTICLE III – DEFINITIONS, SINGLE-FAMILY DWELLING DISTRICT A (SF-A) AND SINGLE-FAMILY DWELLING DISTRICT B (SF-B) OF THE CITY’S CODE OF ORDINANCES; AMENDING CHAPTER 5 ARTICLE VII, MISCELLANEOUS REQUIREMENTS, AND ARTICLE IX DEMOLITION; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND OPEN MEETINGS CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, notice of public hearings before the Planning and Zoning Commission and City Council were published in a newspaper of general circulation; and

**WHEREAS**, the Planning and Zoning Commission and the City Council have duly considered the proposed amendments to the city zoning code; and

**WHEREAS**, the Planning and Zoning Commission has requested that Chapter 3, Articles I and III be amended to clarify height restrictions of residential dwellings; and

**WHEREAS**, the Alamo Heights City Council has considered the effect of these amendments and has determined that they are appropriate amendments to be adopted;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THAT:**

**SECTION 1:** Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2: Amendments to Chapter 3.** Chapter ("Zoning ") Article I, In General Section 3-2 Definitions, shall be amended to read as follows:

**Section 3-2. – Definitions**

*Height.* For the purposes of the SF-A and SF-B Districts, height is defined as follows:

(1) For lots that slope less than ten (10) percent upward or downward from the front property line to the rear property line, a structure’s height is defined as the measurement from the average of the highest and lowest existing ground elevation points around *each* structure's entire foundation.

(2) For lots that slope ten (10) percent or more upward or downward from the front property line to the rear property line, a structure’s height is defined as the measurement from and along the existing continuous grade with no wall exceeding the permitted height at any point within the lot.

**SECTION 3: Amendments to Chapter 3.** Chapter 3 ("Zoning ") Article III, Single-Family Dwelling District A (SF-A) and Single-Family Dwelling District B (SF-B), Sections 3-2, 3-15, 3-19 – 3-21, and 3-82, shall be amended to read as follows:

**Section 3-15. – Side Yard Setbacks and Side Articulation:**

No building, structure or use shall hereafter so as to have a smaller side yard on each side of a building, *as measured from the edge of foundation (including masonry lug)*, than hereinafter specified, except as specifically provided in section 3-82, special side yard regulations.

- (1) The minimum side yard setback for the main structure on the driveway side is ten (10) feet.
- (2) The minimum side yard setback for the main structure on the non-driveway side is six (6) feet.
- (3) The minimum side yard setback for an accessory structure is three (3) feet.

Main structure articulation: The maximum exterior side wall plane width *of a structure located on a corner lot* without a minimum of a two (2) foot by ten (10) foot offset is thirty (30) feet or a combination of one (1) of the following architectural or utilitarian features every thirty (30) feet to break up the monotony of the *street-facing* façade:

1. *Projecting bay or box windows cantilevered, rather than supported by a permanent foundation (not to exceed twenty-five (25) percent of the facade length).*
2. *Stoops (not to exceed twenty-five (25) percent of the facade).*
3. *Porches (covered and unenclosed, not to exceed twenty-five (25) percent of the facade).*
4. *Chimneys (minimum depth of one (1) foot and not to exceed twenty-five (25) percent of the facade).*
5. *Structural window awnings or canopies (not to exceed twenty-five (25) percent of the facade).*
6. *Roof dormers.*
7. ~~*Pilasters.*~~ *Recessed windows. (Shall be inset a minimum of three (3) inches)*
8. *A second-story roof overhang (at least twenty-five (25) percent of the facade length).*
9. *Porte-cocheres (see definition in section 3-2 and section 3-21, Required Off-Street Parking exception #4).*

Exception: The minimum an air conditioning unit or pool unit can be located from a property line or fence is three (3) feet and air conditioning units must be located as close as possible to a main or accessory structure.

**Section 3-19. – Height**

No building or structure shall be erected, altered or converted or any use permitted to exceed the maximum heights *measured from average grade for a lot that slopes less than 10% or from actual grade for a lot that slopes 10% or more, not finished floor*, thereafter specified (see "Height" definition in section 3-2), with the exception of height "bonuses" specified hereinafter:

- (1) *Max height for main structures.*
  - (a) Lots less than or equal to sixty-five (65) feet in width.

The maximum building height for main structures is twenty-eight (28) feet to the top of ridge for lots up to sixty-five (65) feet in width.

- (b) Lots greater than sixty-five (65) feet in width.

The maximum building height for main structures is thirty-three (33) feet to the top of ridge for lots greater than sixty-five (65) feet in width.

*Exception:* Chimneys can exceed the maximum height (including with "bonuses") by up to four (4) feet.

- (c) Max height "bonuses" for main structures (utilize one (1) of the following):

1. One (1) foot bonus for every foot of lot slope (max. two (2) feet) as measured within the buildable area (per section 3-2 definition); or
2. Two (2) foot bonus for using minimum three (3) foot pier and beam foundation; or
3. Two (2) foot bonus for restricting height looming to 1:1.5;

- (d) Max height for front entryway features.

The maximum height for front door entryway features, such as stoops, is fifteen (15) feet (does not include porches or balconies)

- (2) Height looming standard for a main structure:

- (a) The maximum side wall plate of the main structure shall not exceed twice the width of the side setback in height (height looming standard).

Exceptions for main structures:

(1) The first six (6) feet of wall plate below the ridge of a side gable roof are excepted from the height looming standard of a main structure

(2) Chimneys are excluded from the height limits to the extent of eight (8) additional feet

(3) Permitted institutions such as schools and churches may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.

*(4) The height looming standard shall not apply to a main structure when sharing a common boundary with, or next to, public rights-of-way.*

(5) Height looming standard for an accessory structure:

(a) Except for the first ~~ten (10)~~ *eleven (11)* feet of wall plate, the maximum side and rear wall plates of an accessory structure shall not exceed twice the width of the side setback in height *measured from average grade for a lot that slopes less than 10% or actual grade for a lot that slopes 10% or more* ~~based on the slope of the lot, not finished floor~~ (height looming standard).

*(1) The height looming standard shall not apply to an accessory structure when sharing a common boundary with, or next to, public rights-of-way.*

(6) Height measurement for main and accessory structure:

- (a) Height is to be measured from average grade for lots with less than ten (10) percent slope and by actual grade for lots with ten (10) percent slope or more per the section 3-2 definition of "Height."
- (b) For flat roofs, height is limited to three (3) feet below the maximum height (including bonuses); the height maximum is measured to the top of the parapet or handrail, where they exist.

**((ADD HEIGHT LOOMING ILLUSTRATION))**

**Section 3-20. — Dormers RESERVED**

~~The minimum inset for dormers in all structures in the SF-A and SF-B Districts, as measured from the exterior wall face of the story below, shall be five (5) feet. The slope of the roof area covered by dormers shall not exceed forty (40) percent of the roof of the main structure or fifty (50) percent of the roof of accessory structures.~~

**Section 3-21. – Parking**

In the SF-A and SF-B Districts, off-street parking shall hereafter be provided on each lot or tract upon which a building is erected or upon a contiguous lot or tract, and no building or structure or part thereof, shall be hereafter erected, altered, converted or enlarged for any permitted use in the district in which it is located unless off-street parking facilities are provided in accordance with the following:

**Number of spaces and dimensions**

Two (2) covered parking spaces shall be required for each residential unit in the SF-A and SF-B Districts. Parking spaces shall be covered and located in a garage, carport (located no closer than four (4) feet from the rear of the main residential structure if detached) or a porte-cochere. Each parking space shall be a minimum of eighteen (18) feet by nine (9) feet clear dimension. No circular driveways or parking pads are allowed in the front yard setback for lots sixty-five (65) feet or less in width. No parking pads shall be allowed on city rights-of-way.

**Driveway specifications**

For all lots the minimum driveway width required is ten (10) feet. For lots less than or equal to sixty-five (65) feet in width, the maximum driveway width within the front setback is ten (10) feet, and the maximum curb cut and apron width is twelve (12) feet. For lots greater than sixty-

five (65) feet in width, the maximum driveway width within the front setback is fourteen (14) feet, and the maximum curb cut and apron width is fourteen (14) feet (see exception (5) below).

*Exceptions:*

- (1) For lots greater than sixty-five (65) feet in width, garages may be attached to the main structure, provided that they are located ~~towards the rear, beyond the midpoint of the main structure, and~~ no closer than fifty (50) feet from the front yard property line ~~and accessed from the side to prevent garage doors facing the street.~~ and must be set back a minimum of 18ft from the front façade.
- (2) For all lots in the SF-A and SF-B Districts, garages may be attached to the rear of the main structure, provided that they utilize alley access (and are subject to the rear setback standards for main structures).
- (3) All attached garages must meet the setback requirements for main structures.
- (4) Porte-cocheres are governed as accessory structures and can meet the two (2) covered parking spaces requirement if all of the following requirements are met:
  - a. Must meet parking dimension requirements between structural supports;
  - b. Must be permanently attached to the main structure;
  - c. Must be open on three (3) sides;
  - d. Three-foot side setback (two-foot eave/overhang setback);
  - e. Maximum twenty-foot ridge height;
  - f. 2:1 height looming applies (max. ten-foot exempt from height looming);
  - g. Must be set back eighteen (18) feet from the front facade;
  - h. Roof materials must match the existing materials on the main structure;
  - i. Structural supports must be clad to match the existing exterior wall/column finish materials of the main structure.
- (5) The maximum curb cut on the side street of corner lots may be increased to twenty-four (24) feet in width to provide access to the required covered parking spaces only.

***((Section 3-22. – Summary Table for SF-A and SF-B Residential Design Standards: To be updated pending approval of proposed revisions)) Refer to attachment***

**Section 3-82. – Special side yard regulations.**

- (1) Schools, churches and other permitted public or semi-public buildings when located in the SF-A, SF-B, 2F-C, Districts, shall provide a minimum side yard of twenty-five (25) feet.
- (2) Schools, churches and other permitted public or semi-public buildings when located in the "MF-D", "P", "B" or "O" Districts may modify the required front yard minimum/maximum setbacks after a recommendation from the architectural review board and council approval as part of the final design review process.
- (3) Detached garages or other detached accessory buildings shall be located not less than four (4) feet from the main building and shall not be less than three (3) feet from the side property line.
  - a. Every part of a required side yard for main structures shall be open and unobstructed except for the ordinary projections of window sills, roof eaves or overhangs, belt courses, cornices, roofs and other architectural features projecting not to exceed

four (4) feet into the required side yard but not less than ~~four (4)~~ five (5) feet from the property line.

- b. Accessory structure roof eaves or overhangs are required to have a minimum two-foot side setback from the property line.
- (4) No fence, wall or other manmade, non-living barrier, other than the wall of a permitted structure, shall be erected or altered in any side yard in excess of eight (8) feet in height measured from the lower side of such fence, wall or other barrier. When the grade of the land adjacent to the location of a fence, wall or other barrier has been altered from its natural condition, the administrative officer shall determine the permissible height of a fence, wall or other barrier from the projection of the natural grade of the land. Any fence constructed shall have the "finished side" or "non-structural side" facing street rights-of-way.
- (5) Air-conditioning units and pool units are allowed to encroach into any required side yard setback. Such units shall be located as close to the structure as possible, and in no case shall they be located closer than three (3) feet to the property line or fence.

**SECTION 4: Amendments to Chapter 5.** Chapter 5 ("Building and Building Regulations") Article VII, Miscellaneous Requirements, and Article IX Demolition, shall be amended to read as follows:

**Section 5-116 – Reserved Utilities during construction**

In the event construction is to be performed on a vacant residence or to an extent that requires the occupants to move out during construction, the gas meter will be locked out, the electric meter removed by City Public Service (utility provider), and a temporary electric meter is to be set and used for construction purposes if deemed necessary by the building official.

**Section 5-138(b)(2) – Responsibility of the owner:**

All utilities shall be disconnected and the sewer line shall be ~~effectively plugged with concrete or as may be required by the director, at or near the property line~~ disconnected at the property line and a clean out installed extending no more than six inches above grade or as required by the director.

**SECTION 5.** All remaining provisions of Chapter 3 ("Zoning ") Article I, In General Section 3-2 Definitions, and Article III, Single-Family Dwelling District A (SF-A) and Single-Family Dwelling District B (SF-B), shall remain unchanged except for the amendments outlined in Sections 2 and 3 of this Ordinance.

**SECTION 6.** All remaining provisions of Chapter 5 ("Building and Building Regulations") Article VII, Miscellaneous Requirements, and Article IX Demolition shall remain unchanged except for the amendments outlined in Section 4 of this Ordinance.

**SECTION 7. Conflicting Ordinances or Resolutions.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or

inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 9. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**SECTION 10. Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THIS 11<sup>th</sup> DAY OF OCTOBER 2021.**

  
\_\_\_\_\_  
BOBBY ROSENTHAL, MAYOR

ATTEST:

  
\_\_\_\_\_  
ELSA T. ROBLES, CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
FRANK J. GARZA, CITY ATTORNEY